

In the High Court of Punjab and Haryana at Chandigarh

CWP No.6839 of 2015

Date of Decision:10.4.2015

Ram Kishan

---Petitioner

versus

State of Haryana and another

---Respondents

**Coram: Hon'ble Mr. Justice Ajay Kumar Mittal
Hon'ble Mrs. Justice Rekha Mittal**

**Present: Mr. Akshay Kumar Jindal, Advocate
for the petitioner**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The petitioner has filed the instant petition under Article 226/227 of the Constitution of India for issuance of writ in the nature of mandamus directing the respondents to release land of the petitioner acquired vide notifications dated 23.8.2007 and 21.8.2008 (Annexures P-2 and P-3 respectively) issued under Sections 4 and 6 of Land Acquisition Act, 1894 (in short “the Act”).

2.Counsel for the petitioner contends that petitioner's land measuring 88 square yards situated within the revenue estate of Safidon, District Jind was acquired for Sector-9, Safidon. The State had proposed to acquire 142 acres of land but after considering objections submitted by the land owners, only 74.10 acre was acquired. The petitioner filed objections under Section 5A of the Act raising a plea that house of the petitioner is

situated in the land proposed to be acquired. The petitioner did not receive any reply and was under impression that his land has been released. It is argued that the petitioner continues to be in possession of the land till date and a serious prejudice would be caused in case he is dispossessed from the house.

3. We have heard counsel for the petitioner and perused the records.

4. The notification under Section 4 of the Act was issued on 23.8.2007 followed by notification dated 21.8.2008 under Section 6 of the Act. On a pointed query raised by the Court, counsel for the petitioner is fair enough to concede that after passing of the award by the Land Acquisition Collector, the petitioner submitted reference for sending the matter to the Land Acquisition Tribunal for enhancement of compensation. The petitioner has failed to make out a case or submit any tangible explanation for inordinate delay of 07 years in approaching this Court to challenge acquisition proceedings which were initiated in the year 2007 and finalized in the year 2009. The act and conduct of the petitioner has rendered him disentitled to issuance of the writ as prayed for.

5. In view of what has been discussed hereinabove, finding no merit, the petition is dismissed. No order as to costs.

(Ajay Kumar Mittal)
Judge

(Rekha Mittal)
Judge

10.4.2015
PARAMJIT